

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

David Benson, DBA,
Benson Seed Research,

Plaintiff and
Counterclaim Defendant,

V.

Dairyland Seed Co., Inc., and Dow
Dow AgroSciences LLC.,

Defendants.

Case No. 4:11-cv-00116

MEMORANDUM AND ORDER

This matter comes before the Court on two Stipulations (filing nos. 10 and 11), both dated April 14, 2011, entered into between the Plaintiff, David Benson, and the Defendants, Dairyland Seed Co., Inc., d/b/a Dairyland Research International, and Dow AgroSciences LLC. Dairyland Seed Co., Inc. and Dow AgroSciences LLC have each entered their appearance as the named Defendants in this action. Accordingly,

IT IS ORDERED that the parties' stipulations, (filing nos. 10 and 11), are granted, and:

1. The true and correct names of Defendants Dairyland Research International, a Wisconsin Corporation, and Dow AgroSciences, an Indiana Corporation, respectively are: (1) Dairyland Seed Co., Inc.; and (2) Dow AgroSciences LLC.
2. The captions on all future pleadings and all future references to the Defendants in this action shall use the correct names of the Defendants as set forth in paragraph 1 of this Order, instead of the names Dairyland Research International, a Wisconsin corporation, and Dow Agrosciences, an Indiana corporation; and
3. The Clerk shall modify the docket to correctly name the defendants as set forth in paragraph 1 of this Order.
4. Dow AgroSciences LLC is not a necessary party to an adjudication of the merits of the allegations by the Plaintiff against Dairyland Seed Co., Inc.

5. Dow AgroSciences LLC is dismissed without prejudice, and without any prejudice to the rights of the Plaintiff to proceed against Dairyland Seed Co., Inc.

April 18, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge